

ATTACHMENT 50

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,)
Plaintiff,)
vs.) Case No.
INTUITIVE SURGICAL, INC.,)
Defendant.)

VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED
DEPOSITION OF PAUL PLOMIN

Tuesday, November 8, 2022

Remotely Testifying from Mishawaka, Indiana

Stenographically Reported By:
Hanna Kim, CLR, CSR No. 13083
Job No. 5567008

1 A. Well, there's a payor I didn't mention.

2 Maybe self-pay would probably end up being the
3 lowest. But outside of that, Medicaid.

4 Q. You also mentioned all the expenses to
5 doing the procedures will go into the calculation. 13:37:40

6 Does that include both direct and indirect
7 costs?

8 A. Yes.

9 MR. BATEMAN: Objection to form.

10 THE COURT REPORTER: Could you please 13:37:56
11 repeat your answer.

12 THE WITNESS: Yes.

13 BY MR. CHAPUT:

14 Q. Where does that cost data come from?

15 A. Financial statements and our cost 13:38:08
16 accounting system.

17 Q. Does the capital allocation committee
18 consider the costs associated with the da Vinci
19 surgical system in deciding whether to approve a
20 purchase? 13:38:36

21 A. Yes. That's part of the capital project
22 assessment form. So that's -- that's what gets
23 summarized from that form onto that summary sheet of
24 all the capital. So we're reviewing
25 apples-and-apples type considerations for the 13:38:52

1 projects.

2 Q. And consistent with what we were talking
3 about before, that would include not only the system
4 itself, but also any service agreement and the
5 projected cost of EndoWrist instruments; correct? 13:39:09

6 MR. BATEMAN: Objection to the form.

7 THE WITNESS: Correct.

8 BY MR. CHAPUT:

9 Q. Does the capital allocation committee
10 consider Franciscan's surgical market share in 13:39:21
11 deciding whether to approve a purchase of a da Vinci
12 surgical system?

13 MR. BATEMAN: Objection to form.

14 THE WITNESS: I -- I would always say
15 we're always hoping to gather more market share, so 13:39:36
16 that would be a consideration, yes.

17 BY MR. CHAPUT:

18 Q. How does Franciscan calculate its surgical
19 market share?

20 A. Well, our mar- -- inpatient market share, 13:39:48
21 we use, I think, 75 percent of our -- or 75 percent
22 of our admissions ZIP codes are that -- that
23 develops our inpatient.

24 Outpatient is a little more difficult
25 because it's hard to gather that data. And, you 13:40:11

1 CERTIFICATE OF REPORTER

2 I, Hanna Kim, a Certified Shorthand
3 Reporter, do hereby certify:

4 That prior to being examined, the witness
5 in the foregoing proceedings was by me duly sworn to
6 testify to the truth, the whole truth, and nothing
7 but the truth;

8 That said proceedings were taken before me
9 at the time and place therein set forth remotely via
10 videoconference and were taken down by me in
11 shorthand and thereafter transcribed into
12 typewriting under my direction and supervision;

13 I further certify that I am neither
14 counsel for, nor related to, any party to said
15 proceedings, not in anywise interested in the
16 outcome thereof.

17 Further, that if the foregoing pertains to
18 the original transcript of a deposition in a federal
19 case, before completion of the proceedings, review
20 of the transcript [x] was [] was not requested.

21 In witness whereof, I have hereunto
22 subscribed my name.

23 Dated: 11/27/22



24 Hanna Kim

25 CLR, CSR No. 13083